

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF TENNESSEE
GREENEVILLE DIVISION

UNITED STATES OF AMERICA)
)
)
v.) No. 2:08-CR-039
)
)
BOBBY JOE AMBROSE)

MEMORANDUM AND ORDER

This criminal case is before the court on the January 23, 2013 supplemental report and recommendation (“supplemental R&R”) [doc. 374] of Chief United States Magistrate Judge Dennis H. Inman. By order dated January 17, 2013, the undersigned referred the defendant’s previously-denied suppression motion [doc. 127] to the magistrate judge for supplemental findings pursuant to the partial remand of the Sixth Circuit Court of Appeals.¹

Magistrate Judge Inman has now made those supplemental findings and again recommends that the defendant’s suppression motion be denied. The February 11, 2013 deadline for filing objections to the supplemental R&R has now passed without response.

De novo review by the district court of a magistrate judge’s report and recommendation is both statutorily and constitutionally required. *See United States v. Shami*,

¹ “[A] remand is required for the limited purpose of the district court making further findings on [three] unresolved matters regarding Ambrose’s apartment (initial entry, search allegedly at Mrs. Ambrose’s request, second search in Mrs. Ambrose’s absence). . . . In the event the district court determines the officers exceeded the warrant’s scope [in respect to these unresolved matters], it should determine whether blanket suppression is warranted and, if so, how suppressing all of the evidence affects Ambrose’s convictions and sentence.” *United States v. Beals*, 698 F.3d 248, 268 (6th Cir. 2012).

754 F.2d 670, 672 (6th Cir. 1985). However, it is necessary only to review “those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1).

Even though no objection has been filed, the undersigned has nonetheless thoroughly reviewed the original R&R, the supplemental R&R, the defendant’s motion, the parties’ original briefing, the Sixth Circuit’s partial remand opinion, the transcript of the original motion hearing, and all other relevant contents of the docket. Having done so, the court finds itself in agreement with the magistrate judge that the testifying officers “were truthful regarding their actions regarding all three areas of inquiry set out in the Court of Appeals’ decision. Accordingly, it is not necessary to address the issue of whether a blanket suppression of the incriminating evidence found in the garage is appropriate.”

The court **ADOPTS** the findings of fact and conclusions of law contained in the supplemental R&R [doc. 374]. It is **ORDERED** that the defendant’s motion to suppress [doc. 127] is again **DENIED**.

IT IS SO ORDERED.

ENTER:

s/ Leon Jordan
United States District Judge